

REMARKS

I. INTRODUCTION

In response to the Office Action dated February 21, 2007, the specification and claim 13 have been amended. Claims 1-21 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, is requested.

II. OFFICE ACTION SUBJECT MATTER REJECTION

In the Decision on Appeal, the Board reversed all rejections of the Examiner. However, on page 10 of the Decision on Appeal, the Board rejected claims 13-18 and 21 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Namely, the Board interpreted claim 13 in light of the specification paragraph [0023]. The Board found that claim 13 included both statutory subject matter (computer-readable instructions stored on a tangible medium, e.g., a CD-ROM) and non-statutory subject matter (computer-readable instructions conveyed by a signal). The Board required an amendment to recite solely statutory subject matter.

In view of the explicit statements in the Decision, Applicants have amended the specification to remove the “carrier or signal” language. In addition, Applicants have amended claim 13 to recite only “computer-readable instructions stored on a tangible medium”. Such amendments are consistent with, and in direct compliance with the Board Decision.

III. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

It is believed that no fees are due at this time. Nonetheless, should any charges be deemed necessary, please charge any such fees, or credit any overpayments, to Deposit Account No. 50-0494 of Gates & Cooper LLP.

Respectfully submitted,

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By their attorneys,

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